

United States District Court
For The Western District of North Carolina
AMENDED - AS TO RESTITUTION ONLY

UNITED STATES OF AMERICA

V.

Michael Wayne Walkingstick

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: DNCW208CR000012-004

USM Number: 22219085

Jack Stewart
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1.
- ☐ Plead(n)ed nolo contendere to count(s) which was accepted by the court.
- ☐ Was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

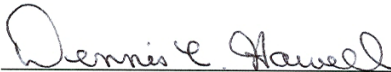
<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18 USC 113(a)(5)	Simple Assault - Lesser included offense	03/02/08	1

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s) .
- ☐ Count(s) (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 06/26/08



Dennis L. Howell
United States Magistrate Judge



Date: _____

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED SEVENTEEN DAYS (117) with credit for time served.

- ☐ The Court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:

☐ At ____ On ____.

☐ As notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ Before 2 pm on .

☐ As notified by the United States Marshal.

☐ As notified by the Probation or Pretrial Services Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ To _____

At _____, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: Michael Wayne Walkingstick
Case Number: DNCW208CR000012-004

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$10.00	\$500.00	\$93,728.74

FINE

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- ☒The court has determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒The interest requirement is waived.
- ☐The interest requirement is modified as follows:

COURT APPOINTED COUNSEL FEES

- ☐The defendant shall pay court appointed counsel fees.
- ☐The defendant shall pay \$_____ Towards court appointed fees.

Defendant: Michael Wayne Walkingstick
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RESTITUTION PAYEES

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
Daniel J. Perez,	\$283.00 - \$194 for clothing and \$89 shoes and \$4,000- lost wages
Cherokee Tribal EMS, P. O. Box 863, Lewisville, NC 27203-0863	\$439.19
Asheville Radiology Association, P. O. Box 2809, Asheville, NC 28802-2809	\$356.00
Mission Hospital, P. O. Box 75378, Charlotte, NC 28275-0378	\$19,865.55
North Carolina Crime Victim’s Compensation Commission - Claim # 08-36336, 6714 Mail Service Center, Raleigh, NC 27699-6714	\$30,000.00
Asheville Anesthesia Association, P.A, P. O. Box 601017, Charlotte, NC 28260	\$2,861.00
Mtn. Area Medical Airlift (Mission Hospital, Make check payable to Horizon Management Services, Inc., D/B/A Professional Collection Services, P. O. Box 5903, Asheville, NC 28813	\$7,315.00
MMH Trauma Surgeon Services, P. O. Box 15268, Asheville, NC 28813	\$27,719.00
Carolina Mtn Emergency Med, PA, P. O. Box 2249, Pawley’s Island, SC 29585	\$890.00

- X The issue of loss wages will be addressed when a sworn affidavit by the victim’s employer stating hours loss, salary has been filed with the Court. The Government has until September 01, 2008 to file said affidavit.
- X The defendant is jointly and severally liable with co-defendants for the total amount of restitution.
- Any payment not in full shall be divided proportionately among victims.
- X All outstanding monies to be collected by the United States Attorney Financial Litigation Unit.